



DIVISION OF
ENFORCEMENT

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
100 PEARL STREET, SUITE 20-100
NEW YORK, NY 10004-2616

February 12, 2025

By ECF

Hon. Joan M. Azrack
United States District Court Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: *SEC v. The NIR Group, LLC, et al.*, 11-cv-4723

Dear Judge Azrack:

The Securities and Exchange Commission ("SEC") writes to provide a status update regarding Defendant Corey Ribotsky ("Ribotsky"), non-parties Jacob Ribotsky, Tyler Levitt, and Krupnick Ribotsky Ltd. (collectively Non-parties"), and their attorney Kevin Krupnick. Neither Ribotsky nor the Non-parties have complied with the Court's February 10th Order, DE 150, which required them to comply with Judge Shields' May 8, 2024 discovery order by producing document discovery on February 11th and, as to Tyler Levitt and Jacob Ribotsky, by appearing for depositions on February 12th. Neither Ribotsky nor the Non-parties have produced documents. And neither Tyler Levitt nor Jacob Ribotsky appeared for their depositions on February 12th or even contacted the staff regarding the depositions.

On February 12th, SEC counsel emailed Ribotsky's counsel, Kevin Krupnick regarding his clients' failure to produce documents and appear for depositions. See Ex. 1. Krupnick's response demonstrates intentional non-compliance. As to the documents, counsel acknowledges that the documents have not even been fully gathered and declines to provide a date by which the documents will be produced. As to the depositions, despite the Court-ordered deposition date of February 12 with the caveat that the SEC can change the date (not the deponents), counsel failed to produce his clients for depositions as ordered. Rather, he proposes a date six weeks from now, March 24, though he does not promise to produce the required documents by then. In light of counsel's failures in this regard, the SEC has moved the deposition date to February 28th. The SEC is concerned that notwithstanding its rescheduling of the deposition date, the records will still not have been produced and Krupnick may again fail to have his clients appear for depositions.

In accordance with the February 10th Order, the SEC will direct its motion(s) regarding compelling the discovery to Magistrate Judge Shields, as needed, in accordance

with Judge Shields' individual rules. As to sanctions, the Court's February 10th Order stated that "failure to comply with Judge Shields' discovery orders and the orders of this Court may result in the imposition of sanctions by Judge Shields or by this Court." DE 150. The SEC respectfully requests that the Court impose all appropriate sanctions given the non-compliance with its February 10th Order, as it does not appear that short of coercion Ribotsky and the Non-parties will comply with the Court's Order to produce documents and appear for depositions.

Respectfully submitted,
s/Maureen Peyton King
Maureen Peyton King
Senior Trial Counsel